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Remarks

Claims 1-5 and 7 have been amended. Claims 1-8 are now pending in the case.

I. Rejection of claims 1-8 under 35 U.S.C. 102(b) based on Cvacho

The examiner has rejected claims 1-8 under 35 U.S.C. 102(b) based on Cvacho. Claims 1-5 and 7 have been amended to more distinctly define the present invention in one or more embodiments. Claim 1 now specifies:

1. An apparatus comprising
a can having a top portion having a pull tab attached to the top portion of the can;
wherein the pull tab is able to be used to create an opening in the top portion of the can;
wherein after the pull tab is used to create an opening in the top portion of the can,
and while the opening is exposed, the pull tab is attached to the can;
further comprising
a cap for covering the opening in the can comprising
a depression; and
a peripheral flange connected to the depression and at least partially surrounding the depression; and
wherein the cap is separate from the pull tab so that the cap can be removed from the can without detaching the pull tab from the can.

In the present application, in one embodiment, a pull tab 18 is attached to a top portion 12 of a can 10. (Present application, p. 2, last paragraph – p. 3, second paragraph, Fig. 2). The pull tab 18 is able to be used to create an opening 20 and while the opening 20 is exposed the pull tab 18 is attached to the can 10. (Id.) A cap 100 can cover the opening 20. (Id.) The cap 100 includes a depression 106 and a rim or peripheral flange 102. (Id.) The cap 100 is separate from the pull tab 18 so that the cap 100 can be removed from the can 10 without detaching the pull tab 18. (Id. and see also Figs. 1, 2, and Figs. 3A-3F re cap 100 separate from pull tab 18.

In Cvacho, the pull tab 40 must be detached from the container 21 in order to expose the

opening 23. Cvacho, Fig. 3) In addition the pull tab 40 is a part of and is connected to the closure plug 30. (Cvacho, Fig. 3).

Claim 1 of the present application is respectfully submitted to be allowable for at least the foregoing reasons. Claims 2-4 are dependent on claim 1 and are also submitted to be allowable for at least the same reasons.

Claim 5 now specifies:

5. A method comprising
pulling a pull tab attached to a top portion of a can to create an opening in the top portion of the can;
wherein the pull tab is pulled in such a manner that the pull tab remains attached to the top portion of the can after the pull tab creates the opening in the top portion of the can and while the opening is exposed;
covering the opening with a cap; and
removing the cap from the opening without detaching the pull tab from the top portion of the can.

Claim 5 of the present application specifies that the pull tab is pulled in a such a manner that the pull tab remains attached to the top portion of the can after the pull tab creates the opening and while the opening is exposed. As previously stated, in Cvacho, the pull tab 40 must be detached from the container 21 in order to expose the opening 23. (Cvacho, Fig. 3)

Claim 5 of the present application specifies that the cap is removed from the opening without detaching the pull tab from the top portion of the can. In Cvacho, the pull tab 40 is a part of and is connected to the closure plug 30, and thus the pull tab 40 would have to be removed with the closure plug 30. (Cvacho, Fig. 3).

Claim 5 of the present application is respectfully submitted to be allowable for at least the foregoing reasons. Claims 6-8 are dependent on claim 5 and are also submitted to be allowable for at least the same reasons.

II. Rejection of claims 1-8 under 35 U.S.C. 102(b) based on Kelsey

The examiner previously rejected original claims 1-8 under 35 U.S.C. 102(b) based on Cvacho. As stated, claims 1-5 and 7 have been amended to more distinctly define the present invention in one or more embodiments.

As previously indicated claim 1 of the present application specifies that pull tab is separate from the cap, so that the cap can be removed from the can while the pull tab remains attached to the can. In addition, the pull tab remains attached to the can while the opening is exposed. As previously indicated claim 5 of the present application specifies that cap is removed from the opening without detaching the pull tab. In addition, the pull tab remains attached to the can while the opening is exposed.


In contrast, in Kelsey, the pull tab 7 is connected to the plugs 12 and 13. (Kelsey, Fig. 3, col. 3, Ins. 47-54). The apertures 15 and 16 in Kelsey are exposed by pulling off the pull tab 7. (Id.).

Claim 1 and dependent claims 2-4 are submitted to be allowable for at least the foregoing reasons. Claims 5 and dependent claim 6-8 are submitted to be allowable for at least the foregoing reasons.

III. Conclusion

The remaining claims in the case (claims 1-8) are respectfully submitted to be in a condition for allowance. Favorable reconsideration of this application, as amended, is respectfully requested.

Respectfully submitted,


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